

April 22, 2008

Ms. Susan Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 11 DE Reg. 1297 [DOE Proposed Education Profile Report Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE) proposal to amend its regulations related to the publication of education profiles. The regulation was published as 11 DE Reg. 1297 in the April 1, 2008 issue of the Register of Regulations. Council opposes the proposed regulation and has the following observations.

As background, the Legislature enacted S.B. 76 in 2003 to facilitate compliance with the federal No Child Left Behind Act. That legislation is codified, in part, as the attached Title 14 Del.C. §124A. The legislation is intended to enable assessment of educational trends, to permit parents and citizens to compare schools and districts, and to promote accountability. Annual educational profile reports must include information on the following: student testing and achievement; accountability; school safety, discipline, and attendance; student-staff ratios; pupil and staff demographics; district revenues, expenditures, tax rates and wealth; school curricular offerings; and community involvement.

The proposed regulation will have the effect of diluting meaningful access to the education profile reports and may violate the letter of the statute. Under the revised regulation, the full annual education profile report would be published only on the DOE website. A brief "paper" summary of the report (less than 4 pages long), but not the full report, would be printed.

The synopsis recites as follows:

The amendments provide that the print format of the school, district, and state profiles may vary from the web version because the print format is intended to summarize the detail contained on the website.

Section 2.0 recites as follows:

The State shall have the profiles available on the Department of Education website on or before August 1st of each year. In addition, subject to an annual appropriation in the annual state budget act, the profiles shall be published in a print format as determined by the Department that does not exceed four pages. The print format is intended to summarize the detail contained on the website.

[emphasis supplied]

In contrast, the statute requires the printing and distribution of the educational profiles:

(f) The Education Profiles will be published, subject to an annual appropriation in the annual state budget act, at the expense of the State. Said profiles will be printed by the Department of Education in sufficient quantity and supplied to local school districts in sufficient quantity for distribution to district staff, parents and the community at large.

[emphasis supplied]

The statute does not authorize the DOE to print only a 3-4 page summary of the educational profile. The statute envisions the printing and distribution of detailed profiles “in a user-friendly form that permits educationally meaningful comparisons among schools” [Title 14 Del.C. §124A(b)] and compilation of all required information on a “school-specific basis” [Title 14 Del.C. §124A(c)]. The statute clearly promotes wide distribution of the education profiles in a “paper” format readily usable by everyone. Under the statute, the only justification for deferring publication of the “print” report would be the lack of an annual appropriation.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed regulation.

Sincerely,

Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Valerie Woodruff
Ms. Jean Allen
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Mary Cooke, Esq.
Ms Jennifer Kline, Esq.
Mr. Charlie Michels
Senate Education Committee
House Education Committee
The Honorable Jea P. Street
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens